

REMARKS

Claims 1-40 are pending in the application. Claims 1-40 stand rejected. Claims 1, 14, 27, and 40 are being amended. For the purpose of clarity, Claim 1 has been amended to recite “disabling voice detection from detecting a voice band signal.” Claims 14, 27, and 40 have been amended in a similar manner. Support for these amendments can be found at least on page 11, lines 15-24 of the specification as originally filed. No new matter is being introduced by way of these amendments.

Claims 1-40 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication Number 2003/0193696 Walker et al. (hereafter “Walker”) in view of U.S. Patent Publication Number 2002/0080730 LeBlanc et al. (hereafter “LeBlanc”).

Before addressing the specific rejections, Applicants believe a brief overview of the invention may be helpful. One embodiment of the present invention enables a silence detector in voice band data mode to eliminate false voice detection in Voice Band Data (VBD) mode and disables voice detection from detecting a voice band signal associated with a VOIP call. In use, if the silence detector detects silence in the voice band data mode signal associated with a Voice over Internet Protocol (VOIP) call, the voice detector is enabled. That is, the embodiment identifies the presence of voice signal using the silence detector instead of the VBD as traditionally performed in the art (e.g., Walker and Leblanc). (Specification page 6, lines 11-17).

In contrast to Applicants’ invention as claimed in Claim 1 as amended, Walker provides transitions from fax to VOIP based on voice band data mode messages (e.g., T.30), but does not disable voice detection from detecting a voice band signal. In particular, Walker detects a T.30 message, using voice detection for detecting a voice band signal, and subsequently transitions to voice (Walker, [0058]). Moreover, Walker also detects bi-directional silence, but does so while voice detection is still enabled (Walker, [0059]). That is, Walker’s system uses voice detection to detect a voice band signal and as such does not disable voice detection from detecting a voice band signal. Accordingly, Walker cannot provide “*in voice band data mode, enabling silence detection and disabling voice detection from detecting a voice band signal associated with a VOIP call*” as claimed by Applicants in amended Claim 1.

Similar to Walker, Leblanc provides a system that detects voice, using voice detection, and does not disable voice detection from detecting a voice band signal as claimed by Applicants in amended Claim 1. For example, during a voice band data mode, Leblanc provides a human speech detector service (e.g., voice detection) invoked by a resource manager. The human speech detector monitors the signal from the near end telephony device for speech. In the event that speech is detected by the human speech detector, which performs voice detection not silence detection, an event is forwarded to the resource manager. Next, the resource manager terminates the human speech detector service and invokes the appropriate services for voice mode (Leblanc [0034]). In this way, Leblanc uses a voice detector (e.g., human speech detector) for detecting a voice band signal and does not disable voice detection from detecting a voice band signal. Thus, Leblanc cannot provide “*in voice band data mode, enabling silence detection and disabling voice detection from detecting a voice band signal associated with a VOIP call,*” as claimed by Applicants in amended Claim 1.

Moreover, combining the systems of Walker and Leblanc would result in a system that uses voice detection for detecting voice band signals. The use of voice detection for detecting voice band signals teaches directly away from disabling voice detection from detecting voice band signal as claimed in amended Claim 1. Thus, Walker and Leblanc cannot provide the same system as Applicants’ Claim 1.

Since neither Walker nor Leblanc, either alone or in combination, do not teach, suggest, or provide motivation for the independent Claim 1 (“*in voice band data mode, enabling silence detection and disabling voice detection from detecting a voice band signal associated with a VOIP call*”), Applicants respectfully submit that Claim 1 should be allowable under 35 U.S.C. 103(a) over Walker in view of Leblanc. Independent Claims 14, 27, and 40 have similar limitations and should be allowable for at least the same reasons.

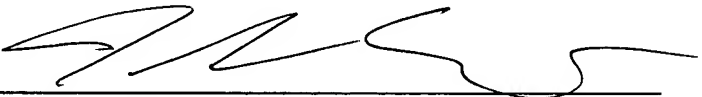
Because Claims 2-13 depend from Claim 1, Claims 15-26 depend from Claim 14, and Claims 28-39 depend from Claim 27, Applicants respectfully submit these should be allowable under 35 U.S.C. 103(a) over Walker in view of Leblanc for at least the same reasons as the base claims from which they depend.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims (Claims 1-40) are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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